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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/381,216 09/16/99 SODER

J 75002.0002

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PM82/1005

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EXAMINER

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ART UNIT	PAPER NUMBER
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3635

DATE MAILED:

10/05/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/381,216

Applicant(s)
Soder

Examiner
Beth Stephan

Group Art Unit
3635



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-69 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 38-43, 48, 54-56, and 67-69 is/are allowed.
- ☒ Claim(s) 1-3, 11-13, 22, 25, 26, 29-37, 44-47, 49-53, and 57-64 is/are rejected.
- ☒ Claim(s) 4-10, 14-21, 23, 24, 27, 28, 65, and 66 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Receipt is acknowledged of the amendment filed 9/14/00. Claims 44-69 have been added.

Information Disclosure Statement

Receipt is acknowledged of Form 1449 filed. The references have been considered.

Drawings

The drawings have been approved by the draftsman.

Claim Rejections - 35 USC § 112

Claims 29-37, 53, 57-59, and 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 29, 53, and 57, line 5, "a base attached to the foundation" is indefinite since the foundation has not been positively recited. By changing "attached" to --attachable-- the rejection would be overcome.

In claims 29, 53, 54, 57, and 63, line 3, "wall frames ... extending upwardly from the foundation" is indefinite since the foundation has not been positively recited. By changing "extending" to --extendable-- the rejection would be overcome.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 11-13, 22, 44-47, 49-52, and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice Planters Rope Hammock. Rice teaches a system comprising a plurality of frames, each frame comprising interconnectable four-sided orthogonal tubes(A,B,C) having substantially identical cross-sectional dimensions that interconnect with each free end, support members© and connecting members(A), one of the members having a reduced end portion relative to the other of the members, and a base(horizontal C). Rice lacks the tubes being metal and the specific shape of the tubes, the tubes being roll formed, and the specific placement of the reduced portion. The use of metal for hammock stands is well known in the art and would have been obvious for a skilled artisan to have provided a stable stand to support the hammock. The specific shape chosen is deemed a matter of obvious design choice for a skilled artisan given the intended use of the frame and the environment within which it will be used. The placement of the reduced portion is deemed a matter of obvious design choice for a skilled artisan given the intended use of the frame and the environment within which it will be used. The manner in which the tubes are made is a method step and lends no structure to the claim. Therefore, the manner in which the tubes are made are given no patentable weight.

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Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice as applied to claim 1 above, and further in view of Hamilton'108. Rice lacks the use of the members fastened.

Hamilton teaches tubes interconnected via a fastener(54). It would have been obvious for one having ordinary skill in the art at the time of the invention to have provided the system of Rice with fasteners as taught by Hamilton in order to have secured the members.

Allowable Subject Matter

Claims 38-43, ~~44~~⁵⁴, 54-56, and 67-69 are allowed.

Claims 29, 53⁻⁵⁴, and 57 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 30-37, and 58-59 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 4-10, 14-21, 23-24, 27-28⁴⁸, and 65-66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art of record shows frames, each having a base, and the connecting and support members with the reduced portions as claimed, or a frame having a base, upper member, and the connecting and support members with the reduced portions as claimed, or a plurality of first

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posts, second posts, and bridge members having reduced portions as claimed, or a foundation, a base, an upper member, and support and connecting members having the reduced portions as claimed, nor any motivation to do so.

Prior Art

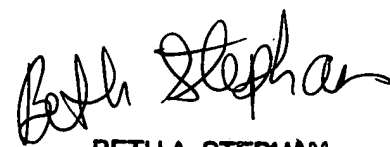
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Stephan whose telephone number is (703) 308-2485. The examiner can normally be reached Mon thru Thurs from 7:30 am to 6:00 pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Beth Stephan

October 2, 2000


BETH A. STEPHAN
PRIMARY EXAMINER